

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THEODIS BROWN, SR.,

Plaintiff,

vs.

CITY OF OLIVETTE,

Defendant.

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Case No. 4:09-CV-158 JCH

**ORDER**

This matter is before the Court upon review of Theodis Brown's motion for leave to proceed in forma pauperis [Doc. #2]. Local Rule 2.05(A) provides that "[a]n application to proceed in forma pauperis shall be accompanied by a statement of the applicant's financial information set forth on a form provided by the Court." Although plaintiff has submitted a motion to proceed in forma pauperis [Doc. #2], the motion was not accompanied by the court-provided "Affidavit in Support Thereof (Financial Affidavit - CJA Form 23)." As such, the Court is unable to determine, at this time, whether plaintiff is financially unable to pay the filing fee.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall provide plaintiff with the court form entitled "Financial Affidavit - CJA 23."

**IT IS FURTHER ORDERED** that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$350.00, **or** to submit a fully completed and signed "Financial Affidavit - CJA 23."

**IT IS FURTHER ORDERED** that if, within twenty (20) days from the date of this Order, plaintiff fails to pay the filing fee **or** to submit a fully completed and signed “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

**IT IS FURTHER ORDERED** that if plaintiff timely submits a “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.<sup>1</sup>

Dated this 2nd Day of February, 2009.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.